realising the entire cost of process in execution cases, from attachment to sale, should be altered and the parties enabled to deposit the fees from time to time. The court records should be printed on good paper. Punctuality in attendance should be enforced. No appointments in the Judicial Department should be conferred on those who were in a civil jail. Judgment-debtors when arrested should be sent to jail on the day they were produced before the court. They should be released the next day, only in case the creditor did not send the amount of subsistance allowance by anchal money order. There should be no delay in the printing of judgments for appeal. *Amins* should not execute warrants of attachment on the basis of incomplete information. Moveables on which the name of the judgment-debtor was not inserted should not be attached. The pay of the clerks, peons, etc. in courts should be enhanced in view of the increase already made in process fees. Applications for auction sale should not be insisted on.

Denial of legitimate promotions chilled enthusiasm for work and created discontent in an officer. The rightful claims of Munsiffs for promotion as District Judges should not be overlooked on the strength of the plea for recruitment from the bar made by lawyer-Members of the Legislative Council. There were able and learned Munsiffs and a lawyer who was straightaway appointed as a Sessions Judge could hardly come up to the level of a Munsiff who had been trained to decide on conflicting claims and think impartially. It was imperative in the interests of the people and to ensure the proper administration of justice to confer rightful promotions on deserving Munsiffs irrespective of considerations foreign to the purpose.

The age of an officer was often fixed in Travancore after his confirmation in the service. Corrections of the horoscope could make an officer younger. Wrong statements in the matter of age on the part of their officers should be seriously viewed by the Government as in British India.

DEWAN'S REPLY: Mr. Narayanaru Krishnaru, you have dealt with many points. They will all be taken up for consideration and will in the first instance be referred to the High Court.

35. Civil Justice.

MR. RAMAN NILAKANTAN (*Member, Kottarakara .taluk*) spoke on the irregularities committed by the process-servers. When it was difficult to find out the residence of the defendant or he was known to be away, and the process had to be returned unserved, the certificate of the *Provertikar* was required by the High Court circular. Owing to the violation of this circular and the irresponsibility of the process-servers, *ex parte* judgments were often not delivered and defendants were put to considerable loss and hardship. Notices regarding the admission of reviews were also not properly served and parties were prevented from putting in objection petitions. Warrants for the arrest of judgment-debtors had to be returned, according to the instructions of the High Court, after attestation by the plaintiff or his vakil on his behalf. This was not observed, with consequent delays in the realisation of judgment-debts, and the parties were also liable to pay fresh fees for issue of further warrants. Notices regarding auction sales for judgment-debts were not served on the proper defendants, and the decree-holder, unless he was in the good graces of the peon, was unable to exercise his right of bidding in the auction. The sale of lands by auction was done by *amins* without notification by tom tom and was seldom done on the spot. The *amin* also arbitrarily fixed an upset price which was higher than the market price and thus bidders were scared away. Affidavits had to be presented at various stages in the progress of a suit, and were required in the case of almost every petition to be presented in court. The new *Civil Courts' Guide* which was responsible for the multiplication of affidavits had not made the practice of all the courts uniform in this matter. The occasions for the presentation of affidavits should be reduced to the minimum. The irregularities among the subordinates were due to lack of proper control and supervision by the presiding officers.

DEWAN'S REPLY: Mr. Raman Nilakantan, it distresses the Government to hear your long account of malpractices on the part of the process-servers. You will make the Government very grateful if you can bring a few specific cases to their notice.

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2. Your remarks about auction sales and valuation of property by *amins* will be brought to the notice of the High Court.

3. In the matter of affidavits, I am afraid, the Government cannot accept your suggestion that these should be done away with.

36. Civil Courts in Shencotta.

MR. L. ADIVARAHA AIYAR (*Member, Shencotta taluk*) asked for the enhancement of the pecuniary jurisdiction of the Munsiff at Shencotta as in the case of the Devicolam Munsiff. The geographical position of the taluk, the language spoken, the manners and customs of the people and their social habits were different and the taluk deserved special consideration. Property suits were very rare. The recent order of the Government that the local Munsiff should be conversant with Tamil was welcomed by the people, but the District Judge at Quilon to whom they had to resort in cases of the value of more than Rs. 2,000 was usually ignorant of Tamil. The climate of Quilon deterred witnesses, etc. from going there. The work of the Munsiff was light; and the average annual number of suits to the value between Rs. 2,000 and Rs. 5,000 filed from the taluk in the Quilon District Court was only nine.

Considerable difficulty was experienced by clients in getting affidavits signed by proper persons and the authority to administer the oath was often abused. The present system did not bind the petitioner any more than the old. The duty of presenting an affidavit was now solely cast on vakils' clerks who would swear as to facts known and unknown and in most cases even without any information from the parties.

Processes from British Indian courts to persons in Travancore were sent direct by the British Indian courts to the court within whose jurisdiction the persons resided. The Munsiffs in Travancore were however obliged to send processes to be served on persons resident in British India to the District Judge who forwarded them to the District Court in British India for transmission to the Munsiff concerned. This circuitous procedure caused unnecessary delay, and the people of Shencotta who had greater dealings with British India felt the difficulty keenly. The Munsiffs in Travancore should therefore be authorised to send their processes *direct* to the Munsiffs' courts in British India.

British Indian courts had fortnightly statements of unexpended *batta* published so as to enable the parties to claim refunds. In the absence of facilities here to know the exact amounts due, parties were unable to put in their claims and large sums of money annually lapsed to the Government. The practice in British India should be adopted here.

The people of Shencotta were thankful for the institution of the Village Panchayat Court, but were afraid that the principle of communal representation apparently followed in the appointment of judges might prove detrimental to efficiency. Communal considerations ought not to weigh with the Government in making honorary appointments.

In order to attract competent and qualified men to the clerical staff of Panchayat Courts, it should be included in the *cadre* of the ministerial staff of the Judicial Department and the claims of its members recognised for promotion to suitable vacancies in Munsiffs' courts, etc.

DEWAN'S REPLY: Mr. Adivaraha Aiyar, your representation regarding the pecuniary jurisdiction of the Munsiff's court at Shencotta being raised is not at present feasible as the High Court do not see the necessity for giving effect to your proposal. Perhaps the Laws Delays Committee will look into it.

2. Your views in regard to the Shencotta Village Panchayat Court will receive consideration and your suggestions in regard to the direct service of processes between the Munsiffs' courts in Travancore and those in British India will be conveyed to the High Court for an expression of their views.

3. Similarly, what you say about unexpended *batta* will also be referred to the High Court.

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